



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 18, 2005

Date of Meeting: September 20, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m. on Tuesday, September 20, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein
Michael Rankin
Roger W. Randolph
Mike Letcher

City Manager
City Attorney
Deputy City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Austin Nuñez, Chairman of the San Xavier District Tohono O'odham Nation, after which the pledge of allegiance was led by the Webelos Pack #221.

Presentations:

- a. Mayor Walkup proclaimed September 26, 2005 to be "American Indian Awareness Day." Austin Nuñez, Chairman of the San Xavier District Tohono O'odham Nation, accepted the proclamation.
- b. Mayor Walkup and Council Member West recognized the City of Tucson Transportation Department, Streets and Traffic Maintenance Division, for their exceptional contributions in improving Tucson's transportation system. Jim Glock, Department of Transportation Director, presented awards from the Southern Arizona Chapter of the American Public Works Association to Lee Gagnier, Streets and Maintenance Administrator, Phil Campista, Streets Maintenance Supervisor, and Michael Stanford, Equipment Operation Specialist.

Mr. Glock also presented the Feldman Neighborhood Back to Basics Project Award on behalf of the Department of Transportation to Robyn West, Department of Transportation, Engineering Project Manager.

- c. Vice Mayor Dunbar announced the City of Tucson received an award from the Metropolitan Pima Alliance for a collaborative effort in the development of Milagro Playground located in Jacobs Park. The opening of Milagro Playground, located in Ward 3, would be October 9, 2005.
- d. Council Member West presented awards from the Metropolitan Pima Alliance to Ernie Duarte, Development Services Department Director, Albert Elias, Urban Planning and Design, Mat Flick, and Jim Folgelsburg from Development Services for their part in the Ward 2 Innovative Housing Program.

Council Member West also announced that Council Member Ibarra also received an award from the Metropolitan Pima Alliance for Affordable Housing, Chicanos Por La Causa.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 511, dated September 20, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced Ward 2 would be hosting a Special Crime Prevention Town Hall on "Methamphetamines Use – A Call to Action for Neighborhoods," on September 28, 2005.

- b. Council Member Ronstadt would be hosting an Energy Summit at the Ward 6 Council office on October 19, 2005 regarding a regional energy policy.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 512, dated September 20, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. In response to the increase in gas prices, Sun Tran Bus weekday ridership this month exceeded sixty thousand passenger trips each day. In comparison for the entire 2005 fiscal year, Sun Tran experienced only nine sixty thousand plus days throughout the entire year. The Sun Tran ridership in August saw an increase of 4.7 percent from the previous year.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 515, dated September 20, 2005, would be received into and made a part of the record. He asked the Deputy City Clerk to read the Liquor License Agenda.

- b. Liquor License Applications

New License

- 1. Mariscos Chihuahua #8, Ward 5
435 W. Irvington Road
Applicant: Elizabeth Ochoa Montijo
Series 12, City 72-05
Action must be taken by: October 10, 2005
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed
Considered separately
- 2. Giant #926, Ward 1
6500 S. 12th Avenue
Applicant: Carlos Antonio Guerra
Series 10, City 73-05
Action must be taken by: October 10, 2005
Staff has indicated the applicant is in compliance with city requirements.
This item was continued to the meeting of October 4, 2005, at the request of staff.

3. Mustang #6925, Ward 1
1202 W. Ajo Way
Applicant: Carlos Antonio Guerra
Series 10, City 74-05
Action must be taken by: October 10, 2005
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed

This item was continued to the meeting of October 4, 2005, at the request of staff.

4. Mama's Famous Pizza & Heros, Ward 2
50 S. Houghton Road Suite #180
Applicant: Joseph Michael Spina Jr.
Series 12, City 75-05
Action must be taken by: October 16, 2005
Staff has indicated the applicant is in compliance with city requirements.

Person/Person Transfer

5. Parrilla Del Rey, Ward 5
5358 S. Nogales Hwy.
Applicant: Rogelio Montes Linares
Series 06, City 71-05
Action must be taken by: October 7, 2005
(Continued from the Mayor and Council Meeting of September 13, 2005)
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed

Considered separately

c. Special Event

1. Escaramuza Flor De Primavera, Ward 5
4823 S. 6th Avenue
Applicant: Maria Lourdes Celaya
City T77-05
Date of Event: October 8, 2005
Entertainment & Educate Mexican Culture
Staff has indicated the applicant is in compliance with city requirements.
2. Salpointe Catholic Education Foundation, Ward 3
1545 E. Copper
Applicant: Merri C. Siler
City T78-05
Date of Event: November 19, 2005
Fundraiser for the Foundation
Staff has indicated the applicant is in compliance with city requirements.

3. St. Margaret Mary Church, Ward 1
801 N. Grande Avenue
Applicant: Oscar White
City T79-05
Date of Event: October 8 & 9, 2005
Annual Fiesta (Parish)
Staff has indicated the applicant is in compliance with city requirements.
4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon
Applicant: Nancy Roubicek Laney
City T80-05
Date of Event: October 9, 2005
Fundraising event-The Butterfly Affaire
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protests Filed
Considered separately

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b4 and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Mariscos Chihuahua #8, Ward 5
435 W. Irvington Road
Applicant: Elizabeth Ochoa Montijo
Series 12, City 72-05
Action must be taken by: October 10, 2005
Staff has indicated the applicant is in compliance with city requirements.

Roger W. Randolph, Deputy City Clerk, announced the first Liquor License Application to be considered separately was Item 5b1, which was a request for a new license. The license had a protest filed and is located in Ward 5. Staff indicated the applicant is in compliance with City requirements.

Council Member Leal stated he had just received a protest a few minutes ago and did not feel he had adequate time to deal with the substance of the protest. He asked for a continuance until the next meeting of October 4, 2005.

(Note: Liquor License Item 5b1 was addressed again after the discussion of Special Event License Item 5c4 on page 8.)

5. LIQUOR LICENSE APPLICATIONS

b. Person/Person Transfer

5. Parrilla Del Rey, Ward 5
5358 S. Nogales Hwy.
Applicant: Rogelio Montes Linares
Series 06, City 71-05
Action must be taken by: October 7, 2005
(Continued from the Mayor and Council Meeting of September 13, 2005)
Staff has indicated the applicant is in compliance with city requirements.

Roger W. Randolph, Deputy City Clerk, announced the next Liquor License application to be considered separately was Item 5b5, Parrilla Del Rey, located in Ward 5.

Council Member Leal asked if the applicant was present and to state his name and address for the record.

Rogelio Montes Linares, applicant, said he lived with his partner in Oro Valley and was looking forward to moving closer to the restaurant.

Council Member Leal said there were a number of protests and asked the applicant if he had the opportunity to meet with the protestors. He was also aware of some irregularities in the application and asked if they had been resolved.

Mr. Linares responded that he had addressed the irregularities, and did not have contact information for one of the protestors.

Council Member Leal suggested the applicant be seated and he would invite all the protestors present to come forward and address their issues.

Lupe Rodriguez, President of Fairgrounds Neighborhood Association, said she and her husband had met with the applicant and his partner and discussed the application. As a result of the discussion, she was uncertain if the Arizona State Liquor Board had sent them the full application because the application was missing items and had incomplete information.

Council Member Leal asked Ms. Rodriguez to state what the missing or incomplete items were.

Ms. Rodriguez responded that some of the issues were resolved, but she had devoted a lot of time and work to find answers. One of her major concerns was Exhibit A on the last page of the application. Some of the shares were given to another person, and that person never signed the application.

Council Member Leal asked Ms. Rodriguez to show Mr. Linares the particular page to which she was referring.

Council Member Leal stated the applicant's signature was on the page in question. However, the page did not have the signature of the person to whom Mr. Linares was giving part ownership, which caused some confusion regarding ownership. He asked the applicant if there was another document that showed a transaction of the percentage of ownership transfer.

Mr. Linares explained they went to the Arizona Corporation Commission and the articles of amendment were filed.

Ms. Rodriguez responded that the copy Mr. Linares was referring to was not an amendment. Council Member Leal agreed there was no amendment in the document, and no signature of the person who had partial ownership.

Mr. Linares stated at the time he did not have an agreement or transfer documenting the transaction, but would try to get the paperwork as soon as possible to Council Member Leal and Ms. Rodriguez.

Ms. Rodriguez also felt there should be more communication between the Arizona State Liquor Board and the City of Tucson. She said it was frustrating to place numerous phone calls that were never returned, or returned with incorrect information, and to receive incomplete applications. Ms. Rodriguez pointed out other discrepancies missing in the application, such as proof of residence and proof of completion of alcohol training program.

Yolanda Herrera-LaFond, President of Sunnyside Neighborhood Association, said the applicant attended their last meeting and she concurred with the concerns of Ms. Rodriguez. She stated it was not always the applicant's fault when the Arizona State Liquor Board did not provide complete information. She had spent over eight hours reviewing the application and understood the reason the ownership was transferred to the son was because of the father's ill health. Ms. Herrera-LaFond said Mr. Linares guaranteed the Association that he would be responsible, and with the exception of addressing Ms. Rodriguez's ownership questions, he had met all of the Sunnyside Neighborhood Association's concerns. Therefore, the association voted to pull the protest.

Council Member Leal clarified the Fairgrounds Neighborhood Association did not file a protest. They wanted to address the lack of information from the Arizona State Liquor Board that could have provided answers about the application to the neighborhoods in a timely manner. He told Mr. Linares he was fortunate that the neighborhoods were patient and willing to investigate and discuss the irregularities found in the application.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b5, Parrilla Del Rey, be forwarded to the State Department of Liquor Licenses and Control with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon
Applicant: Nancy Roubicek Laney
City T80-05
Date of Event: October 9, 2005
Fundraising event-The Butterfly Affaire
Staff has indicated the applicant is in compliance with city requirements.

Roger W. Randolph, Deputy City Clerk, announced the final Liquor License application to be considered separately was Item 5c4, Tucson Botanical Gardens, located in Ward 6.

Council Member Ronstadt asked if a protester was present and there was none.

Council Member West commented in favor of the event. She stated it was a butterfly affair, a special fundraising event held by the Tucson Botanical Gardens, and encouraged the public to attend.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, that special event application 5c4, Tucson Botanical Gardens, be forwarded to the State Department of Liquor Licenses and Control with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Mariscos Chihuahua #8, Ward 5
435 W. Irvington Road
Applicant: Elizabeth Ochoa Montijo
Series 12, City 72-05
Action must be taken by: October 10, 2005
Staff has indicated the applicant is in compliance with city requirements.

Mike Rankin, City Attorney, stated that he would like to revisit Liquor License Application 5b1. He understood it was Council Member Leal's intention to continue this application for one week. Mr. Rankin asked for that to be accomplished by a motion.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1, Mariscos Chihuahua #8, be continued to the Mayor and Council meeting of October 4, 2005.

6. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the Deputy City Clerk to read the Consent Agenda.

A. COMMUNITY SPECIAL EVENTS: EXTENDING THE END DATE FOR DOWNTOWN SATURDAYS

1. Report from City Manager SEPT20-05-510 CITY-WIDE
2. Resolution No. 20182 relating to community special events; amending Resolution No. 20024 to extend the end date for Downtown Saturdays from June 30, 2005 to June 30, 2006; and declaring an emergency.

B. REAL PROPERTY: SALE OF EASEMENT TO THE UNIVERSITY OF ARIZONA FOR A MECHANICAL UTILITY INFRASTRUCTURE WITHIN RIGHTS-OF-WAY

1. Report from City Manager SEPT20-05-516 WARD 6
2. Ordinance No. 10198 relating to real property; authorizing and approving the sale of an easement to the University of Arizona within certain portions of Speedway Boulevard, Helen Street, Highland Avenue, Vine Avenue, Mabel Street, Cherry Avenue and Martin Avenue rights-of-way for a mechanical utility infrastructure easement; and declaring an emergency.

C. FINAL PLAT: (S04-167) DEER TRAIL TERRACE, LOTS 1 TO 5; DRAINAGE AND UTILITY EASEMENT

1. Report from City Manager SEPT20-05-514 WARD 4
2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

D. AGREEMENT: WITH THE SONORAN INSTITUTE FOR SERVICES

1. Report from City Manager SEPT20-05-509 CITY-WIDE

Item D was continued at the request of staff.

E. REAL PROPERTY: LEASE AGREEMENT WITH UNITED WAY FOR PROPERTY LOCATED AT 330 NORTH COMMERCE PARK LOOP

1. Report from City Manager SEPT20-05-520 WARD 1
2. Resolution No. 20183 relating to real property; authorizing and approving the lease by the City of Tucson of Suite 160, 330 North Commerce Park Loop, Tucson, Arizona, from the United Way; and declaring an emergency.

F. REAL PROPERTY: AUTHORIZATION TO ACQUIRE PROPERTY LOCATED ON NORTH FIRST AVENUE FOR GRANT ROAD WIDENING

1. Report from City Manager SEPT20-05-521 WARD 3
2. Resolution No. 20184 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located at 2353 North 1st Avenue for future transportation improvements associated with the widening of Grant Road; and declaring an emergency.

G. ASSURANCE AGREEMENT: (S02-035) TANQUE VERDE LA RIENDA SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS "A", "B", "C", "D", AND "E" (CONTINUED FROM THE MEETING OF SEPTEMBER 13, 2005)

1. Report from City Manager SEPT20-05-518 WARD 2

Item G was withdrawn from the agenda at the request of staff.

H. FINAL PLAT: (S02-035) TANQUE VERDE LA RIENDA SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS "A", "B", "C", "D", AND "E" (CONTINUED FROM THE MEETING OF SEPTEMBER 13, 2005)

1. Report from City Manager SEPT20-05-519 WARD 2

Item H was withdrawn from the agenda at the request of staff.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through F, with the exception of Item D, which was continued, be passed and adopted and the proper action taken.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through F, with the exception of Item D, were declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. David Thompson questioned how Tucson was prepared for a disaster, considering the recent events with Hurricane Katrina. He believed the evacuation plan should be apparent and iron clad with public servants such as police officers, firefighters, and school bus drivers. Mr. Thompson felt in case of an emergency, municipal drivers should not be allowed to evacuate while they were still needed.
- b. Michael Toney felt the solar energy plan was a good idea and the city should also pursue other forms of alternative energy.
- c. Reverend Servant Bishop Chicago expressed his concern on the treatment, laws and enforcement of the poor and homeless.
- d. Bob Cook spoke about the solar energy plan and provided information about previous energy costs and savings studies. He felt it was necessary to take a comprehensive approach toward renewable energy plans and felt transit plans need improvement.

8. ZONING: (C9-04-04) ELKS CLUB – RIVER ROAD, SR TO R-3 AND O-2, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 522, dated September 20, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10199 by number and title only.

Ordinance No. 10199 relating to zoning: amending zoning district boundaries in the area located on the south side of River Road approximately one mile east of Campbell Avenue in Case C9-04-04, Elks Club – River Road, SR to R-3 and O-2; and setting an effective date.

It was moved by Vice Mayor Dunbar, duly seconded, to pass and adopt Ordinance 10199.

Mayor Walkup asked if there were any discussions. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Ordinance 10199 was declared passed and adopted by a roll call vote of 7 to 0.

9. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD SEPTEMBER 13, 2005

Mayor Walkup announced City Manager's communication number 517, dated September 20, 2005, would be received into and made a part of the record. He asked the Deputy City Clerk to read Resolution 20187 by number and title only.

Resolution No. 20187 relating to elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on September 13, 2005.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Resolution 20187.

Mayor Walkup asked if there were any discussions. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Resolution 20187 was declared passed and adopted by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 513, dated September 20, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Council Member Leal announced his at-large personal appointment of Catherine Applegate Rex to the Planning Commission.

Vice Mayor Dunbar announced her personal appointment of John Peter Wilhite to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GLBT).

11. ADJOURNMENT: 6:34 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, September 27, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of September 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:ccs/ao